

MERCHANT & GOULD P.C.

United States Patent Application

DECLARATION

As a below named inventor, we hereby declare that: our residences, post office addresses and citizenships are as stated below next to our names; that

We verily believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled METHOD AND SYSTEM FOR MEASURING FLY HEIGHT, the specification of which is attached hereto OR [filed on _____ and identified in the U.S. Patent and Trademark Office as Serial No. _____].

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (described hereinbelow).

We hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☒ no such applications have been filed.
b. ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

We hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

We hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)
60/292,668	22 MAY 2001

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name FAYEULLE	First Given Name SERGE	Second Given Name JACQUES
0	Residence & Citizenship	City LONGMONT	State or Foreign Country COLORADO	Country of Citizenship FRANCE
1	Post Office Address	Post Office Address 7177 GOLD NUGGET DRIVE	City LONGMONT	State & Zip Code/Country COLORADO 80503/USA
Signature of Inventor 201:			Date: 12/20/01	
2	Full Name Of Inventor	Family Name SMITH	First Given Name PAUL	Second Given Name W.
0	Residence & Citizenship	City LONGMONT	State or Foreign Country COLORADO	Country of Citizenship USA
2	Post Office Address	Post Office Address 8432 Sawtooth Lane	City LONGMONT	State & Zip Code/Country COLORADO 80503/USA
Signature of Inventor 202:			Date: 12/20/01	
2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
3	Post Office Address	Post Office Address	City	State & Zip Code/Country
Signature of Inventor 203:			Date:	

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information

material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	FAYEULLE ET AL.	Examiner:	UNKNOWN
Serial No.:	NEW FILING	Group Art Unit:	UNKNOWN
Filed:	HEREWITH		
Title:	METHOD AND SYSTEM FOR MEASURING FLY HEIGHT		
Docket:	STL10314/M&G40046.163USU1		

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST
(REVOCATION OF PRIOR POWERS)**

As assignee of record of the entire interest of the above identified application, all powers of attorney previously given are hereby revoked and the following practitioners/patent agents are hereby appointed to prosecute and transact all business in the Patent and Trademark Office connected therewith.

Shawn B. Dempster, Registration No. 34,321	Edward P. Heller, III, Registration No. 29,075
Jonathan E. Olson, Registration No. 41,231	Raghunath S. Minisandram, Registration No. 38,683
Derek J. Berger, Registration No. 45,401	Paul T. Dietz, Registration No. 38,858
Kirk A. Cesari, Registration No. 47,479	Carol I. Bordas, Registration No. 37,284
Mitchell K. McCarthy, Registration No. 38,794	Jennifer M. Buenzow Registration No. P-50,124

And members of the firm of Merchant & Gould P.C.

Albrecht, John W.	Reg. No. 40,481	Jardine, John S.	Reg. No. P-48,835
Ali, M. Jeffer	Reg. No. 46,359	Johns, Nicholas P.	Reg. No. 48,995
Altera, Allan G.	Reg. No. 40,274	Johnston, Scott W.	Reg. No. 39,721
Anderson, Gregg I.	Reg. No. 28,828	Kadievitch, Natalie D.	Reg. No. 34,196
Batzli, Brian H.	Reg. No. 32,960	Kalinsky, Robert A.	Reg. No. P-50,471
Beard, John L.	Reg. No. 27,612	Kaseburg, Frederick A.	Reg. No. 47,695
Berns, John M.	Reg. No. 43,496	Kettelberger, Denise	Reg. No. 33,924
Branch, John W.	Reg. No. 41,633	Keys, Jeramie J.	Reg. No. 42,724
Brown, Jeffrey C.	Reg. No. 41,643	Kneari, Homer L.	Reg. No. 21,197
Bruess, Steven C.	Reg. No. 34,130	Kowalchyk, Alan W.	Reg. No. 31,535
Byrne, Linda M.	Reg. No. 32,404	Kowalchyk, Katherine M.	Reg. No. 36,848
Campbell, Keith	Reg. No. 46,597	Lacy, Paul E.	Reg. No. 38,946
Carlson, Alan G.	Reg. No. 25,959	Larson, James A.	Reg. No. 40,443
Caspers, Philip P.	Reg. No. 33,227	Leonard, Christopher J.	Reg. No. 41,940
Clifford, John A.	Reg. No. 30,247	Liepa, Mara E.	Reg. No. 40,066
Cook, Jeffrey	Reg. No. P-48,649	Lindquist, Timothy A.	Reg. No. 40,701
Daignault, Ronald A.	Reg. No. 25,968	Lown, Jean A.	Reg. No. 48,428
Daley, Dennis R.	Reg. No. 34,994	Mayfield, Denise L.	Reg. No. 33,732
Daulton, Julie R.	Reg. No. 36,414	McDonald, Daniel W.	Reg. No. 32,044
DeVries Smith, Katherine M.	Reg. No. 42,157	McIntyre, Jr., William F.	Reg. No. 44,921
DiPietro, Mark J.	Reg. No. 28,707	Mitchem, M. Todd	Reg. No. 40,731
Doséotch, Matthew A.	Reg. No. P-48,957	Mueller, Douglas P.	Reg. No. 30,300
Edell, Robert T.	Reg. No. 20,187	Nelson, Anna M.	Reg. No. 48,935
Epp Ryan, Sandra	Reg. No. 39,667	Paley, Kenneth B.	Reg. No. 38,989
Fitzsimmons, Karen	Reg. No. P-50,470	Parsons, Nancy J.	Reg. No. 40,364
Glance, Robert J.	Reg. No. 40,620	Pauly, Daniel M.	Reg. No. 40,123
Goggin, Matthew J.	Reg. No. 44,125	Phillips, John B.	Reg. No. 37,206
Golla, Charles E.	Reg. No. 26,896	Pino, Mark J.	Reg. No. 43,858
Gorman, Alan G.	Reg. No. 38,472	Prendergast, Paul	Reg. No. 46,068
Gould, John D.	Reg. No. 18,223	Pytel, Melissa J.	Reg. No. 41,512
Gregson, Richard	Reg. No. 41,804	Qualcy, Terry	Reg. No. 25,148
Gresens, John J.	Reg. No. 33,112	Randall, Joshua A.	Reg. No. P-50,719
Hammer, Samuel A.	Reg. No. 46,754	Reich, John C.	Reg. No. 37,703
Hamre, Curtis B.	Reg. No. 29,165	Reiland, Earl D.	Reg. No. 25,767
Harrison, Kevin C.	Reg. No. 46,759	Samuels, Lisa A.	Reg. No. 43,080
Hertzberg, Brett A.	Reg. No. 42,660	Schmaltz, David G.	Reg. No. 39,828
Hillson, Randall A.	Reg. No. 31,838	Schuman, Mark D.	Reg. No. 31,197
Holzer, Jr., Richard J.	Reg. No. 42,668	Schumann, Michael D.	Reg. No. 30,422
Hope, Leonard J.	Reg. No. 44,774	Scull, Timothy B.	Reg. No. 42,137

Sebald, Gregory A.
Skoog, Mark T.
Spellman, Steven J.
Stewart, Alan R.
Stoll-DeBell, Kirstin L.
Sullivan, Timothy
Sumner, John P.
Swenson, Erik G.
Tellekson, David K.
Trembath, Jon R.
Tunheim, Marcia A.
Underhill, Albert L.
Vandenburgh, J. Derek
Wahl, John R.

Reg. No. 33,280
Reg. No. 40,178
Reg. No. 45,124
Reg. No. 47,974
Reg. No. 43,164
Reg. No. 47,981
Reg. No. 29,114
Reg. No. 45,147
Reg. No. 32,314
Reg. No. 38,344
Reg. No. 42,189
Reg. No. 27,403
Reg. No. 32,179
Reg. No. 33,044

Weaver, Paul L.
Welter, Paul A.
Whipps, Brian
Whitaker, John E.
Wier, David D.
Williams, Douglas J.
Withers, James D.
Witt, Jonelle
Wong, Bryan A.
Wu, Tong
Young, Thomas
Zeuli, Anthony R.

Reg. No. P-48,640
Reg. No. 20,890
Reg. No. 43,261
Reg. No. 42,222
Reg. No. P-48,229
Reg. No. 27,054
Reg. No. 40,376
Reg. No. 41,980
Reg. No. P-50,836
Reg. No. 43,361
Reg. No. 25,796
Reg. No. 45,255

CHANGE OF ATTORNEY'S/AGENT'S ADDRESS IN APPLICATION

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

STATEMENT UNDER 37 CFR 3.73(b)

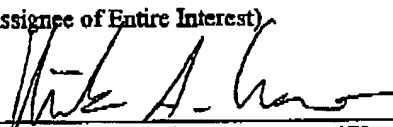
Seagate Technology LLC states that it is the Assignee of Entire Interest in the patent application/patent identified above by virtue of an Assignment from the inventor(s) of the patent application/patent identified above. A copy of the Assignment is attached and/or was recorded in the Patent and Trademark Office at Reel , Frame . The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the Assignee.

Respectfully submitted,

SEAGATE TECHNOLOGY LLC
(Assignee of Entire Interest)

Date

12-20-2001


Kirk A. Cesari, Registration No. 47,479
SEAGATE TECHNOLOGY LLC
Intellectual Property Dept. - SHK2LG
1280 Disc Drive
Shakopee, MN 55379-1863
Phone: 952-402-2736
Fax: 952-402-2657